

4071. Misbranding of "Erdoline." U. S. * * * v. 22 Cases * * * of "Erdoline." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5740. I. S. No. 22367-h. S. No. E-46.)

On June 4, 1914, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 22 cases, more or less, each containing one dozen packages of "Erdoline," remaining unsold in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended. The cases were labeled in part: "Glass—Glass—One Dozen Erdoline from the Oleon Chemical Co., Washington, D. C. Glass—Glass."

It was alleged in the libel that the article was misbranded in that each and every package containing the drug was labeled and branded as follows: "Erdoline" "A valuable Preparation . . . for Bronchial Pulmonary Catarrhal and other Diseases of the Throat and Lungs. Also for . . . Colds, Croup and General Debility," and each of said packages was encased in cartons branded with, and containing, the following statements, "Erdoline" "A Valuable Preparation . . . for Bronchial, Pulmonary and other Diseases of the Throat and Lungs, also Asthmatic affections, . . . Colds . . . La Grippe and General Debility." * * * "A Perfect Substitute for Cod Liver Oil and its Emulsions," and within each of said cartons were circulars which contained the following statements, (In circular) "The Physiologic effects of Erdoline have been found to be that of an antiseptic, stimulant, antispasmodic, diaphoretic and expectorant, the equal of which we honestly believe has never before been prepared from crude petroleum; and we do not hesitate to say that no other preparation, simple or compound, can be depended upon to produce such satisfying results in the various diseases for which it is indicated . . . The diseases for which it is indicated are, in part, Bronchial, Pulmonary, and Catarrhal conditions, and the various diseases of the throat and lungs; also for asthmatic affections, wasting diseases, La Grippe, General Debility . . . and Colds," "Substitute for Cod Liver Oil. Cod Liver Oil and its emulsion, long used for the above enumerated diseases, can easily be laid aside when it is possible for the physician to prescribe this tasteless and odorless petroleum, the great flesh and tissue builder. As a matter of fact, patients who refuse cod liver oil will take Erdoline readily and grow strong in its use. Its prompt assimilation with the food is very noticeable, besides it does not cause eructations nor nausea, and is easily digested by the most delicate stomach. This in itself should recommend its use" * * * "Relieves when other remedies fail, * * *," "Here in the Nation's Capital Erdoline is prescribed by all our physicians with that certainty of success which comes from confidence in nature's remedy; and from all parts of the United States we have received unsolicited reports from the leading physicians in their respective sections, extolling the virtues of this remedy," which statements contained as aforesaid in the labels, cartons, and circulars were false and fraudulent, in that they were severally statements of the curative or therapeutic effect of said drug and of the ingredients and substances contained therein, which statements were false and fraudulent for the reason that the drug contained no ingredients or combination of ingredients capable of producing the therapeutic effect claimed for it in the said statements.

On June 2, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be disposed of by the United States marshal in such manner as would not violate the provisions of the Food and Drugs Act. On June 3, 1915, the goods were destroyed as shown by the return of the United States marshal, in accordance with the provisions of the aforementioned decree of the court.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 20, 1915.